RESPONSE TO COMMENTS ADDENDUM
TO THE DRAFT ENVIRONMENTAL IMPACT REPORT

for

RIVERBEND PARK

Feather River Recreation and Park District

SCH# 2003022073

LEAD AGENCY:

Feather River Recreation and Park District
1200 Myers Street
Oroville, CA 95965
(530) 534-8505

PREPARED BY:

EDAW, Inc.
150 Chestnut Street
San Francisco, CA 94111

November 2003

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1.0 INTRODUCTION

In August 2003, the Feather River Recreation and Park District (FRRPD) distributed to public agencies and the general public the Draft Environmental Impact Report (Draft EIR) for the Riverbend Park Project. The Project consists of a river-oriented regional park and associated facilities on approximately 120-acres along the Feather River, including open space/landscaped areas, picnic areas, an Ecology building, a Recreation, Natural History, Chamber of Commerce and Concession building, a boat ramp, and outdoor interpretive areas. The Project would involve construction of access roads, hiking trails, a bike path extension, parking areas, and public restrooms. The Project also would include revegetation, irrigation and landscaping activities, as well as the recontouring of piles, pits, and ditches that exist on-site from previous rock quarry operations.

The California Environmental Quality Act (CEQA) Guidelines (Section 15105) require a public review period of at least 45 days which was allocated to receive comments on the Draft EIR. The review period for the Draft EIR concluded on September 15, 2003. A public meeting to receive comments on the Draft EIR was noticed and held in Oroville on August 14, 2003. All comments on the Draft EIR and comments thereto are presented in this document.

Copies of the Draft EIR were distributed to the public and agencies. Documents were sent to all responsible and trustee agencies; the State Clearinghouse; County Board of Supervisors; all City of Oroville pertinent departments; County Planning and Public Works Departments; County libraries; Butte County; several other agencies, and all persons who requested a copy. Comments were received from six organizations and two individuals.

The FRRPD has responded to environmental issues raised during the Draft EIR review and comment period. Comments received after the closing date were considered in accordance with Section 15088 of the State CEQA Guidelines. Detailed responses to comments are not provided to comments that may have been raised on the merits of the proposed Project. The focus of the response to comments is on the disposition of *significant environmental issues* raised in the comments as specified by the State CEQA Guidelines Section 15088(d). FRRPD responded to environmental comments, and also responded to other issues and views when doing so was deemed helpful at clarifying important aspects of the Project. Responses to environmental issues raised and other expressed issues and views are provided in Chapter 2. Chapter 2 contains copies of comment letters and public meeting transcripts and includes specific responses to the comments contained in these documents.

The EIR consists of two volumes: the Draft Environmental Impact Report and the Response to Comments Addendum. Together, these two volumes constitute the Final EIR.

1.1 DOCUMENT ORGANIZATION

The Response to Comments Addendum document is organized as follows:

Chapter 2 contains an index indicating the number assigned to each comment letter, the commentor/agency that prepared the letter, and the date the comment was received. This chapter provides a copy of each comment letter, and provides responses to significant environmental points raised in the comments, as required by State CEQA Guidelines Section 15132. Responses are labeled with an alphanumeric designation consistent with the comment being addressed.

Chapter 3 provides errata, which consists of a reproduction of portions of the Draft EIR with text and graphic changes made either in response to comments or to update the Draft EIR text. If revisions to the Draft EIR were warranted, based on evaluation of the comment, then textual modifications are made to specific document sections. Textual deletions are indicated by strikeout (~~strikeout~~) and additions are indicated by underlined text (underline).

Chapter 4 contains the Mitigation Monitoring Program. When an agency makes findings on significant effects identified in an EIR, it must also adopt a program for reporting or monitoring mitigation measures that were adopted. Some of the measures included in this monitoring program are the responsibility of the FRRPD's contractors; however, until mitigation measures have been completed, the FRRPD remains responsible for ensuring that the implementation of the mitigation measures occurs in accordance with this program (CEQA Guidelines Section 15097(a)).

1.2 DISTRIBUTION OF RESPONSE TO COMMENTS

Pursuant to Public Resources Code 21092.5, FRRPD has provided written responses to all public agencies and members of the public who commented on the Draft EIR at least 10 days prior to a certifying action on the EIR. Copies of the Final EIR (Draft EIR and Response to Comments Addendum) have also been provided to individuals and organizations that requested copies.

2.0 COMMENTS AND RESPONSES

All comments on the Draft EIR are listed in Table 2-1, below. Each letter and comment has a letter designation assigned for cross-referencing purposes. This list represents all written and oral comments received during the comment period. The comments are organized into three groups: Public Agencies; Individuals; and Public Meeting (FRRPD Summary).

TABLE 2-1. COMMENTS RECEIVED ON THE DRAFT EIR

Letter	Commenter and Agency or Organization	Date
PUBLIC AGENCIES		
A	City of Oroville Building/Code Enforcement/Fire Protection, Planning and Prevention	August 8, 2003
B	Federal Emergency Management Agency	August 8, 2003
C	Sewerage Commission Oroville Region	August 14, 2003
D	Department of Water Resources	August 7, 2003
E	United States Department of Commerce: National Oceanic and Atmospheric Administration	August 15, 2003
F	Butte County Air Quality Management District	September 13, 2003
INDIVIDUALS		
G	Mike Taylor	August 4, 2003
H	Rex Burress	September 17, 2003
PUBLIC MEETING (TRANSCRIPT)		
	Oroville, CA	August 14, 2003

LETTER
A

AUG 0 8 2003

DISCOVER GOLD . . . DISCOVER OROVILLE

1735 MONTGOMERY STREET • OROVILLE, CALIFORNIA 95965-4897

BUILDING/CODE ENFORCEMENT/
FIRE PROTECTION, PLANNING AND PREVENTION
TELEPHONE: (530) 538-2425

August 7, 2003

Feather River Recreation and Park District (FRRPD)
1200 Myers Street
Oroville, California 95965
Attention: Bob Sharkey, Superintendent

Dear Mr. Sharkey,

Last week I had a visit from David Weinstock, P.E. who is employed by the Federal Emergency Management Agency as a Natural Hazards Program Specialist. His particular area of concern is the proper administration of the flood insurance program as it relates to natural watercourses within Region IX. The purpose of his visit was to investigate what the City of Oroville has done in regard to the mitigation of the flooding potential of the Dry Creek watercourse that drains much of the greater Oroville area.

During his visit I gave him a tour of our detention basins that have been built to preclude events like the one that occurred in 1995 which flooded buildings along the 2700 block of Oro Dam Boulevard East. Discussion eventually came around to the proposed development of the Riverbend Park. He expressed concern about the possible placement of structures and I advised him that I would keep him apprized of the developments.

I received the draft E.I.R. the next day and reviewed it for areas of concern to F.E.M.A. I contacted Mr. Weinstock as he had asked and advised him of things that I thought would be of interest to F.E.M.A. Included in our discussion was the indication of composting toilets adjacent to the river's edge at the southern part of the project in both of the alternatives. He advised me that in was my responsibility to contact you with his comments regarding the proposed development. His comments are as follows.

The composting toilets will not be permitted under any circumstances within the designated 100 year flood zone. The other restrooms will not be allowed within the 100 year flood zone either and he told me that they would have to be located above the 100 year flood zone. This location outside of the flood zone will preclude the possibility of discharge of any sewage into the waterway. I told him during our discussion yesterday that the initial study indicated a potentially significant impact on water quality by reason of wastewater discharge during high flow events in the park area.

A-1

Mr. Weinstock advised me that I would have to address the issue of the restrooms prior to issuance of construction permits so I thought it best to take advantage of the comment period to resolve the situation.

I will also need to know if the shade structures are pole supported or if they have any walls. According to F.E.M.A. requirements if the structures have two or more walls and are within the 100 year flood zone they would have to be elevated above the flood line or relocated outside the zone.

A-2

I wish to have park development in this community as much as anyone since I clearly remember promises made by the State of California during the construction of Oroville Dam. I also clearly remember witnessing the potential of the Feather River to cause damage several times since my first recollection of its capacity in 1955. My primary concern here is that park development monies not be spent on facilities that may be swept away during a high water event or the potential release of raw sewage into the river.

I trust that this will be of help in the development of this park facility. Please let me know if I may be of any assistance.

Yours for Fire & Life Safety,

David E. Noel

David E. Noel
Building Official/Fire Marshal

LETTER A: CITY OF OROVILLE BUILDING/CODE ENFORCEMENT/FIRE PROTECTION, PLANNING AND PREVENTION

A-1 Response: Further consultation (October 2003) between Bob Sharkey (FRRPD Superintendent) and Dave Weinstock of FEMA; David Noel, the Building Official/Fire Marshall for the City of Oroville; Sharon Atteberry, the City Administrator for Oroville; and Mike Vierra of Butte County, determined that the two restrooms will be allowed to be located within the 100 year flood zone if they are raised above the 100 year floodplain water elevation. To ensure that these buildings are placed above the floodplain water elevation, the two new restrooms will be placed on top of six foot high cement structures. Details of the revised design are provided in Response Figure 1 – Chapter 3. The base ground elevation at these restrooms is 140 feet above sea level (asl). The floor elevation of the built restroom facilities will be 146 feet asl, while the 100 year floodplain water elevation is 145 feet asl. The restroom facilities finished floor is proposed to be one foot above the 145 foot floodplain contour established by the U.S. Army Corps of Engineers and Department of Water Resources. The toilet and sink will gravity flow into a four-inch service lateral and into the gravity collection line, which flows into the pump station wet well. The pump station will pump the wet well into a four-inch forcemain that will discharge into the City of Oroville gravity collection system on Montgomery Street. At no time will there be effluent captured in any holding tank on the proposed restroom sites, nor will there be any work done without an approved work permit by the City of Oroville Building Department or Public Works Department. Both of the restrooms located in the 100 year floodplain will be ADA accessible, via ramp.

A-2 Response: The shade structures do not have walls and those located in the 100 year floodplain would be pole supported.

LETTER
B

Federal Emergency Management Agency

Region IX
1111 Broadway, Suite 1200
Oakland, California 94607

AUG 0 8 2003

Bob Sharkey, Superintendent
Feather River Recreation and Park District (FRRPD)
1200 Myers Street
Oroville, CA 95965

Dear Superintendent Sharkey:

This letter is in reply to the Notice of Preparation of an Environmental Impact Report (EIR) for Riverbend Park, Oroville, CA. Flood Insurance Rate Maps

As a participating community in the National Flood Insurance Program (NFIP), Oroville must implement its floodplain management ordinance—which must meet the minimum Federal requirements established in Volume 44, Code of Federal Regulations (44CFR)—to regulate development within the high risk Special Flood Hazard Areas (SFHA) as shown on the FIRM panel number 06007C0790C, in this case.

FEMA applauds communities which dedicate sensitive areas to recreational use. We are responsible to communicate the intention of the CFR: to protect life and property by regulating development.

Development is defined as, "any man-made change to improved or unimproved real estate, including but not limited to dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials." (44CFR, § 59)

Structure is defined as, "for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground..."

"Structure, for insurance purposes, means (1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site"

The EIR, in Chapter 4.4.5.4 recognized the intended location of onsite lift station, etc, in the 100 year flood plain, shown on the FIRM panel and identified as Zone A.

In this case, we see a conflict with the 44CFR, **Section 60.3(a)(6): (the community shall...)"Require within flood-prone areas...(ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding."**

B-1

The full text of the provisions of 44 CFR may be found on the Internet at: http://www.fema.gov/library/lib10.htm.

We recommend your relocation of all toilets outside the 100 year flood plain.

B-1

I expect you will also get similar comments from the Building Department of City of Oroville, which is the permitting agency for this area.

If you have any questions or if we can be of further assistance please call me at (510) 627-7207.

Sincerely,

David Weinstock

David Weinstock, P.E.
Flood Hazard Mitigation Specialist

LETTER B: FEDERAL EMERGENCY MANAGEMENT AGENCY

B-1 Response: FRRPD consulted with FEMA representatives to develop an alternative design for the restrooms as indicated in Response A-1. Please see Response A-1. The revised design is provided in Response Figure 1 – Chapter 3.

LETTER
C

Sewerage
Commission
Oroville
Region

✧ P. O. Box 1350 ✧ Oroville, CA 95965-1350 ✧ Office 530.534.0353 ✧ Fax 530.534.3467 ✧

AUG 1 2003

August 12, 2003

Robert Sharkey
Superintendent/Project Coordinator
Feather River Recreation & Park District
1200 Myers Street
Oroville, CA 95965

RE: RIVERBEND PARK DRAFT EIR, OROVILLE, CALIFORNIA

Dear Bob:

After review of the Draft EIR for the Riverbend Park, the Sewerage Commission – Oroville Region anticipates no impact to the treatment plant in conjunction with the construction of the new facility. C-1

Regarding the information provided on page 4.3-10, the estimated domestic flow of approximately 3,126 gallons per day (GPD) will consume less that .01% of the plant's remaining capacity. C-2

One concern in regards to the infrastructure of the new park is that the sewage pump station will be located within the one hundred year flood plain. I would suggest that a contingency plan be in place to address the infiltration of river water that would occur during the time of increased releases out of Oroville Dam. The reason for concern would be so that the possible inflow from the river does not overwhelm the city's sewage collection system or the treatment plant. C-3

The contingency plan may be as simple as having a written procedure to "Turn off" the pump station at times when it will become submerged by the river.

Should you have any questions please feel free to call

SEWERAGE COMMISSION – OROVILLE REGION

Raymond H. Sousa
Manager / Superintendent

RHS/jaf

LETTER C: SEWERAGE COMMISSION OROVILLE REGION

C-1 Response: The comment noting that the Project will not impact the treatment plant is noted.

C-2 Response: The comment that the expected flow will consume less than 0.1% of the plant's remaining capacity is noted.

C-3 Response: As noted in Response A-1, the restrooms would be designed to sit above the 100 year flood plain water elevation on six-foot high cement base structures surrounded by large rock rip rap. Because Oroville Dam is upstream of the Project site, advance knowledge will be available of oncoming high amounts of water. A flash flood situation where waste would be caught in the pipes would be avoided by the inclusion of a pump station to move out the waste prior to any flood event. The pump station will include a procedure enabling FRRPD staff to "Turn Off" the pump station in the event of rising water levels (after all waste has been pumped from the pipes).

LETTER
D

STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

August 5, 2003

Robert Sharkey, Superintendent
Feather River Recreation & Park District
1200 Myers Street
Oroville, California 95865

AUG 07 2003

Staff for The Department of Water Resources has reviewed State Clearinghouse Document 2003022073 "Riverbend Park" notice of completion and provides the following comments:

Portions of the Riverbend Parks project are within to the Feather River Designated Floodway, an adopted plan of flood control over which The Reclamation Board has jurisdiction. The California Code of Regulations, Title 23, Waters, Article 3, require that a Board permit be obtained before the start of any work including excavation and construction activities where The Reclamation Board exercises their authority. D-1

Section 8(b)(2) of the Regulations states that applications for permits submitted to the Board must include a completed environmental questionnaire that accompanies the application and a copy of any environmental documents if they are prepared for the project. For any foreseeable significant environmental impacts, mitigation for such impacts shall be proposed. Applications are reviewed for compliance with the California Environmental Quality Act. D-2

Section 8(b)(4) of the Regulations states that additional information, such as geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses may be required at any time prior to Board action on the application. D-3

If you have any questions, please contact me at (916) 574-0650, or Samuel Brandon at (916) 574-0651.

Sincerely,

Sterling Sorenson
Water Resources Engineering Associate
Floodway Protection Section

cc: Richard Marshall, Chief
Flood Project Inspection Section
3310 El Camino Avenue, Room B-20
Sacramento CA 95821

LETTER D: DEPARTMENT OF WATER RESOURCES

D-1 Response: The applicable Reclamation Board permit will be obtained prior to the start of any excavation or construction work.

D-2 Response: The Reclamation Board environmental questionnaire and application will be filled out and submitted along with the Riverbend Park Final EIR and permit application.

D-3 Response: Comment noted. It is understood that additional analyses may be required as part of the permitting process. The Feather River Recreation and Park Department will coordinate with the Department of Water Resources during the permitting process, to ensure that all required analyses are completed prior to permitting.

LETTER
E

AUG 15 2003

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Sacramento Area Office
650 Capitol Mall, Suite 8-300
Sacramento, California 95814-4706

August 13, 2003

In Response Refer To:
SWR-03-SA-8814:HLB

Robert Sharkey
Superintendent
Feather River Recreation and Parks District
1200 Myers Street
Oroville, California 95965

Dear Mr. Sharkey:

This letter provides the National Marine Fisheries Service's (NOAA Fisheries) review of the Draft Environmental Impact Report for the Feather River Recreation and Park District's Riverbend Park project. The project will create a river oriented park along the Feather River in Butte County, California. Both general and specific comments are enclosed.

If you have any questions regarding this correspondence, please contact Mr. Howard Brown in our Sacramento Area Office, 650 Capitol Mall, Suite 8-300, Sacramento, CA 95814. Mr. Brown may be reached by telephone at (916) 930-3608, or by Fax at (916) 930-3629.

Sincerely,

Michael E. Aceituno
Supervisor, Sacramento Area Office

Enclosure

cc: NMFS-PRD, Long Beach, CA
Stephen A. Meyer, ASAC, NMFS, Sacramento, CA

ENCLOSURE

LETTER
E

NATIONAL MARINE FISHERIES SERVICE REVIEW
OF THE
FEATHER RIVER PARK DISTRICT'S
DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE
RIVERBEND PARK PROJECT

General Comments:

The Draft Environmental Impact Report (EIR) for proposed Riverbend Park project is well organized and understandable. The scope of the document is clear and the impact analysis does a good job of identifying and analyzing the significance of project effects to affected resources. E-1

The proposed project location is adjacent to a reach of the Feather River that is utilized as migratory, holding, spawning, and rearing habitat by federally listed threatened Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*), threatened Central Valley steelhead (*O. mykiss*), and candidate Central Valley fall/late fall-run Chinook salmon (*O. tshawytscha*), and is designated essential fish habitat (EFH) for Pacific salmon. The primary constituent elements of salmonid habitat in the Feather River are river substrates for spawning and food production; water quality and quantity; and riparian vegetation for food production, shade, large wood recruitment, and off-channel rearing. Thresholds of significance, for project-related impacts on anadromous salmonids, should be based upon whether or not they impact primary constituent elements to a degree that adversely effects their migration, holding, spawning, or rearing behaviors. E-2

The proposed project involves many changes to a parcel of land that is within the floodplain of the Feather River. Portions of this floodplain are periodically inundated by high river flows and provide off-channel refugia habitat to salmonids. High flows may also mobilize gravel deposits and transport them to offsite where they are used for spawning. The effects analysis should consider changes to off-channel rearing habitat, juvenile stranding, large wood recruitment, and gravel mobility and transport. To aid this analysis, the project description and the maps that illustrate the location of project features should delineate 10- to 100-year floodprone zones more clearly. E-3

Because of the proximity of the project to the Feather River and anadromous fish habitat, the Feather River Recreation and Parks District should consider the use of pervious surface materials over pervious materials for roads, parking lots, and paths. Pervious surface materials are a point source control alternative to help maintain natural runoff rates and minimize pollution. E-4

The project maps included within the EIR should be reviewed and modified to improve their readability. Several maps are cluttered, and the project features are difficult to distinguish. E-5

The Feather River Recreation and Parks District should explore opportunities with the California Department of Water Resources, the California Department of Fish and Game, and the National Marine Fisheries Service, to improve anadromous fish conditions at Riverbend Park through the creation of side channel rearing habitat or the addition of spawning gravel. E-6

Specific Comments:

Section 4.6, Biological Resources.
This section needs to provide more detail on the existing habitat conditions for anadromous fish. For example, what are the habitat types adjacent to project site and what is the importance of that habitat to anadromous fish? E-7

Section 4.6, Thresholds of Significance.
This section should incorporate the consideration of the primary constituent elements of anadromous fish habitat for determining significance. E-8

Section 4.6.5, Impacts and Mitigation Measures.
Additional impacts to consider include: percussive effects of sheet pile driving on salmonids; permanent loss of aquatic and riparian habitat from the boat ramp improvements; and changes to off-channel rearing habitat, juvenile stranding, large wood recruitment, gravel mobility and gravel transport. E-9

Additionally, what are the direct/indirect impacts of improving angler access through the boat ramp improvement? Will the boat ramp lead to an increase in the amount of angler harvest of listed salmonids? E-10

LETTER E: UNITED STATES DEPARTMENT OF COMMERCE: NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

E-1 Response: Comment noted.

E-2 Response: Thresholds for significance criteria have been developed for use in assessing impacts to aquatic resources in the Project area, and are based upon the California Environmental Quality Act (CEQA) Guidelines. Please see Chapter 3.

As discussed in the EIR (pages 4.6-22 – 4.6-25), the Project will not significantly impact salmonid habitat or migration, rearing and spawning habitat. While spawning habitat occurs both above and below the Project area, there is no spawning habitat within the Project area. Habitat conditions on the site are not suitable for off-channel rearing, thus there will be no impacts to off-channel rearing habitat. The Project may have a temporary impact on water quality due to construction of the boat ramp. The FRRPD has proposed mitigation measures to reduce and avoid water quality impacts and all in-stream construction activities will occur in a work window as directed by NOAA fisheries (mitigation measure 2, page 4.6-22). The Project will not result in any impacts to geomorphology, flow, or water quantity.

E-3 Response: Abutting the Feather River, Riverbend Park is susceptible to high flows that mobilize gravel deposits and transport them offsite where they are used for spawning. The surface material for each of the trails throughout Riverbend Park was selected for functionality. The riverfront trail will be pervious concrete because it is near the Feather River, has a noticeable slope, and could erode easily. The bike trail will be paved in order to support the high amount of bike use that is expected. The railroad levee trail will be crushed rock because it is for pedestrian use, is located on flat topography, and can be easily maintained. The parking areas will be paved with an impermeable concrete surface. The surface of parking lots would be relatively flat, and would utilize a feather transition, reducing the need for curbs and gutters that can entrap fish during floods. Even with the change in surface materials listed above, the Project will not result in any impacts to geomorphology, flow, or water quantity.

The Project site map has been modified to more clearly indicate the 100 year floodplain. (Please see Revised Figure 3.3 – Chapter 3 of this document)

E-4 Response: See Response E-3, specifically the discussion about surface material selection.

E-5 Response: The Project site plan has been modified to improve its readability and is included in Chapter 3 as Revised Figure 3.3.

E-6 Response: The FRRPD has consulted with CDFG and DWR regarding efforts to improve anadromous fish conditions at Riverbend Park. Spawning and rearing habitat does not appear to be limited within the area surrounding the Riverbend Project area (personnel comm. [Jody Galloway] with Paul Ward, CDFG). The CDFG and DWR collectively own a relatively large amount of land along the Feather River, both above and below the Riverbend Park site, and these agencies are more capable to design, create, restore and manage anadromous fish habitat than the FRRPD. The FRRPD has

proposed to restore and revegetate 15 acres of riparian habitat, which may aid in large wood recruitment over time.

E-7 Response: The Feather River, in the Riverbend pool area, (between the Highway 70 and 162 Bridges) has been categorized as pool habitat by DWR. The section of river within the Project area is low velocity (0-0.5 fps) and the substrate ranges from small gravel to clay. The depth can range from 0.5 m to 5 m (in the middle of the channel). The habitat is described as temporary rearing and holding habitat for all anadromous species. Due to the current level of disturbance and lack of substantial riparian and in-stream cover, the area is considered below average rearing habitat for most anadromous fish. However, existing riparian trees and shrubs should be left in place whenever possible during construction activities. The restoration element of this Project will improve the potential for rearing habitat and food production.

Spring-Run Chinook salmon

The area is used as holding habitat for spring-run Chinook salmon between April and August. Riffles above and below the Project boundary are used for spawning habitat from September through December, and for juvenile rearing habitat November through August. The Riverbend pool area within the Project boundary is used by juvenile spring-run Chinook salmon as a passageway and transitional (temporary) rearing habitat between November and August. DWR has documented frequent use of this area by juvenile spring-run Chinook salmon through both snorkel and beach seine surveys.

Fall-Run Chinook salmon

Fall-run Chinook use the Riverbend pool area between August and September as holding habitat. Riffles above and below the pool are used for spawning habitat from September through December, and for juvenile rearing habitat December through August. The river corridor within the Project boundary is used by juvenile fall-run Chinook salmon as a passageway and transitional (temporary) rearing habitat between December and August. DWR has documented frequent use of this area by juvenile fall-run Chinook salmon through both snorkel and beach seine surveys.

Steelhead Trout

Adult Steelhead are expected to use Riverbend pool as a passageway between September and May. Riffles above and below the pool are used for spawning habitat from December through April, and for juvenile rearing habitat March through August. Juvenile Steelhead can be expected to be rearing (temporarily) in Riverbend pool between April and August. DWR has documented infrequent use of this area by juvenile Steelhead through both snorkel and beach seine surveys.

Pacific and River Lamprey

Adult Pacific and River Lamprey can be expected to be passing through Riverbend pool between January and July. Spawning Pacific Lamprey have been documented in riffles above and below the Project site (DWR). No information exists on the spawning behavior of River Lamprey in the Feather River. Juvenile (larval) Pacific and River Lamprey can be expected to rear in the substrate near the project site. Since larval (ammocete) lamprey seek out fine substrate where they bury themselves and filter feed for five to seven years, any dewatering of the river bed could have a significant impact on their survival at this location.

Green and White Sturgeon
Very little data exists on Green and White Sturgeon habits in the Feather River. Anecdotal evidence suggests that the Riverbend pool area could be used for holding. Current DWR adult and larval sturgeon sampling has not identified the Riverbend pool area as a significant holding or spawning area for Green or White Sturgeon. No direct impact can be expected from the Project.

E-8 Response: Thresholds for significance have been clarified and are included in Chapter 3 of the Response to Comments Addendum.

E-9 Response: During boat ramp construction, many fish will probably emigrate out of the area before boat ramp sheeting is in place. However, before dewatering the construction site, an attempt would be made to remove all pelagic fish by using standard beach seine methods. Any fish remaining during dewatering would be removed and placed beyond the steel construction barrier as soon as possible. Extra caution would be taken when creating the boat ramp to ensure that dewatered areas are monitored closely for emerging lamprey ammocetes. Because ammocetes are unlikely to be disturbed enough by initial construction to emigrate the area on their own, they will have to be captured upon emergence from the substrate. Either during or soon after de-watering, any residing ammocetes should come to the substrate surface. Simply capturing (with small dip nets) and placing emerging ammocetes outside of the steel construction sheeting would eliminate most of the losses associated with dewatering.

If construction occurred during the spring and summer, it is possible that the percussive effects of boat ramp construction could impact holding adult salmon and passing steelhead. However, the level of effect would probably be minimal since disturbed fish would likely move up or downstream to avoid the nuisance. Furthermore, if boat ramp construction occurred during the winter or early spring, juvenile fish disturbed by the events would likely move downstream. Considering the Project site is currently below average habitat for rearing salmonids, the numbers of fish displaced by such activities would likely be minimal. To avoid and minimize impacts, all sheet piling will be performed within an in-stream work window dictated by NOAA Fisheries. The rehabilitation of the existing boat ramp will take approximately 45 days to complete. Additionally, FRRPD will consider alternative construction techniques such as using vibrator driven sheet pile equipment, which reduces the percussive effects of traditional sheet pile driving.

Considering current levels of both aquatic and riparian habitat are nominal, boat ramp improvements are unlikely to affect the amount of aquatic and riparian habitat available.

Off channel rearing habitat at the Project is considered poor and is very little quantity. Much of the site has no useable off-channel vegetation for use as cover. Areas that do maintain some level of perennial vegetation that could be utilized would only be inundated at higher flow events. It is expected that Project alterations to already vegetated areas will neither improve nor reduce the potential of the site as floodplain habitat.

Changes to off-channel rearing habitat:

Due to the nature of the site, there is currently very little off-channel rearing habitat. The Project will not result in adverse changes to off-channel rearing habitat because the majority of new development will not occur immediately alongside the Feather River. The Project has the potential to benefit off-channel rearing habitat due to the large riparian and native plant restoration element of this Project.

Juvenile stranding:

The parking areas will be paved with an impermeable concrete surface. The surface of parking lots would be relatively flat, and would utilize a feather transition, reducing the need for curbs and gutters that can entrap fish during floods. Fish can currently become entrapped in depressions created by past gravel mining operations. As proposed, construction activities would mainly consist of grading and recontouring the site thus reducing the potential for juvenile stranding.

Large Woody Recruitment

Large woody debris recruitment is also expected to remain the same or improve after Project construction. Some benefits with regard to large wood recruitment could be realized following implementation of the riparian restoration plan. For example, Fremont cottonwoods (*Populus freemontii*) provide much better in-stream woody debris than Tree of Heaven (*Alianthus)*, and the restoration plan details the removal of non-native vegetation and restoration of natives. Large flow events and normal deterioration that mobilize cottonwoods and deposit them in the stream could certainly improve local conditions.

Gravel Mobility and Gravel transport:

Gravel mobility and gravel transport are unlikely to change as a result of Project implementation. The site is not currently a source for gravel except under extreme flood conditions (100,000 cfs event). Furthermore, any gravel that could be mobilized will certainly be mobilized in such an event.

E-10 Response: It is unlikely that creating a new boat ramp at the Project site will greatly impact angler activity because the launch site only allows easy angling access to the Riverbend pool. Most anglers already know, or will quickly realize that better fishing opportunities exist elsewhere. Boating opportunities above the Project area are limited because current Oroville regulations do not allow power-boats to operate above the Highway 70 Bridge. Furthermore, immediately downstream of the Project site the Feather River becomes extremely difficult for power boating, precluding most anglers from access. The current facilities have a paved boat ramp that is accessible to the public. Very little boating activity currently exists and a new ramp is unlikely to change that. It is unlikely that the site will maintain enough launch activity to significantly impact salmonids, other native fish, or primary constituent elements of salmonid habitat.

LETTER
F

2525 Dominic Drive, Suite J
Chico, CA 95928

(530) 891-2882
(530) 891-2878 Fax

W. James Wagoner
Air Pollution Control Officer

Robert McLaughlin
Asst. Air Pollution Control Officer

September 12, 2003

Bob Sharkey, Superintendent
Feather River Recreation and Park District
1200 Myers Street
Oroville, CA 95965

RE: Riverbend Park Draft Environmental Impact Report (EIR)

Dear Mr. Sharkey:

The District has reviewed the Draft EIR for the above-proposed project. Based on the information submitted the District submits the following comments.

1. The Draft EIR adequately addresses the potential air quality impacts from the proposed project. The impacts may be mitigated to the extent feasible provided the Best Management Practices and standard dust mitigation measures identified in Section 3.5 are implemented. F-1
2. Table 4.9-2 Ambient Air Quality Standards should be corrected to include current annual PM10 and PM2.5 State standards. F-2
3. Page 4.9-9 The Butte County Association of Governments submitted an ozone maintenance plan to the U.S. EPA, which was never acted upon. The District is the agency responsible for submitting Air Quality Implementation Plans to demonstrate attainment of the federal of state ambient air quality standards. F-3

The District appreciates the opportunity to comment on the proposed project. If you have any questions, please contact the District at 891-2882.

Sincerely,

Gail Williams

Gail Williams
Air Quality Planner

File No 3459

t:\apps_files\eir\oro riverbend park deir.doc

LETTER F: BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT

F-1 Response: Comment noted.

F-2 Response: The ambient air quality standards have been updated to include annual PM10 and PM2.5 State standards. Please see Chapter 3.

F-3 Response: The sentence has been revised to acknowledge submittal of the ozone maintenance plan. Please see Chapter 3.

LETTER
G

1308 Mt Ida Road
Oroville, CA 95966
September 16, 2003

Mr. Robert Sharkey, Superintendent
Feather River Recreation and Park District
1200 Myers Street
Oroville, CA 95965

Dear Superintendent Sharkey:

The following comments concern the Draft Environmental Impact Report (EIR) for Riverbend Park. The project as outlined in Section 3.0 of the EIR by necessity provides "something for everyone." The project would have less support without broad appeal. The plan strikes an adequate balance between providing traditional development found in urban parks with the reality that the setting is a moderately undeveloped, highly impacted, wild appearing riparian river corridor. High intensity development is appropriately placed in the most accessible and disturbed Montgomery Street gateway with "wildness" increasing in a southerly direction. This trend is appropriate since the Oroville Wildlife Area lies downstream of the project. My specific comments are:

1) Will the Recreation, Natural History, Chamber of Commerce and Concession Building be constructed with the same energy efficiency goals as the Ecology and Nature Center? It would seem reasonable to do so since to do otherwise would send a conflicting message to visitors. G-1
2) How will the operation and goals of the Ecology and Nature Center be integrated with the operation of the Nature Center located near the Fish Hatchery? G-2
3) There is a growing awareness that improperly installed or inappropriate outdoor lighting can reduce the darkness of the night sky. We all lose another connection to nature if the darkness of night cannot be appreciated. I support the proposed mitigation measure of installing directional or shielded lighting with only those lights needed for security left on all night. Placement of lighting, hours of use, season of use, and intensity of lighting should also consider the need to not interfere with biological cues used by birds and amphibians. I would recommend that a biologist be consulted to provide measures that would least disrupt birds and amphibians. G-3
4) Some regrading or recontouring of random piles of rock and material borrow sites is appropriate from an aesthetic and revegetation point of view. Dredger tailing piles, if any remain, should be retained where appropriate as historic artifacts of past land use. G-4
5) The statement appearing on page 4.5-4 concerning the fragmentary railroad grade (Site P-04-1442) seems incorrect. The north-south trending grade is a fragment of the railroad used to transport construction materials to Oroville Dam and as such has historic interest since much of the grade has been obliterated or converted to other uses. While not historically significant, the grade provides an interpretative opportunity. The concrete bridge piers are a remnant of the Sacramento Northern Railway crossing of the Feather River. They also provide an interpretative opportunity. G-5
6) I support the revegetation of disturbed sites with native species and associated reestablishment of wildlife habitat. More formal people oriented development is appropriate for the foot of Montgomery Street and the river opposite downtown Oroville. G-6

7) Active control of noxious weeds should be a component of revegetation and routine park maintenance. Since this activity will by necessity be labor intensive, development of partnerships with organizations such as the California Native Plant Society or local service organizations will probably be necessary. This task would appear to fall under the array of programs offered by the Ecology and Nature Center.

G-7

Thank you for the opportunity to review the draft EIR. Please contact me if there is anything else that I might do to support the project.

Sincerely,

Mike Taylor

INDIVIDUALS

LETTER G: MIKE TAYLOR

G-1 Response: Comment noted. New buildings will be constructed utilizing energy efficient measures (such as solar power) as much as practicable.

G-2 Response: Comment noted. This comment does not address the adequacy of the environmental analysis, therefore no response is required. FRRPD recognizes the symbiotic relationship between the Feather River Nature Center and the Riverbend Park Ecology Nature Center and the Natural History Building. The Ecology Nature Center and Natural History Building at Riverbend Park will be the main area for FRRPD information and programs, while the Feather River Nature Center will be a satellite location.

G-3 Response: The light and glare mitigation measures listed on page 4.2-13 were developed after consultation with a biologist. Additional mitigation measures have been added to ensure that a biologist be consulted during the installation of light structures. Please see Chapter 3 of this document.

G-4 Response: Some tailing piles may remain on site depending upon the areas to be graded for site development. The new Recreation, Natural History, and Chamber and Concession Building will have diagrams showing the past history of the Project site, and will note how the site has historically been used as an area for placing tailing piles (from the dredging of Feather River). For those areas where dredger tailing piles remain, they will be identified on informational signs throughout the park.

G-5 Response: The north-south trending railroad grade identified by this comment is not officially recognized as historic, as described on page 4.5-4 of the Draft EIR; however, as noted by the commentor, the railroad grade provides an interpretive opportunity. Accordingly, the history of the historic railroad trestle, as well as the north-south trending railroad grade feature, will be placed in the new Recreation, Natural History, and Chamber and Concession Building.

G-6 Response: The comment supporting the revegetation of disturbed sites is noted.

G-7 Response: The FRRPD will be responsible for park maintenance at Feather River, including the control of noxious weeds. Typical Integrated Pest Management – Biological control standards are used to address noxious weeds at all FRRPD facilities. FRRPD will utilize partnerships with organizations such as California Native Plants Society or local service organizations to promote the ecology and nature center programs.

LETTER
H

Rex Burress
1459 Boynton Ave
Oroville, CA 95966
533-5936

Robert Sharkey, Superintendent
Feather River Recreation and Park District
1200 Myers Street
Oroville, CA 95966

Dear Bob,

I have given the Riverbend Park Draft Environmental Impact Report a cursory examination, and I think it is generally good, although I haven't got onto the maps with a magnifying glass yet. The suggested plantings are good, and the general scope of the area coverage is mostly accurate.

The items I have comments on concern the Ecology Nature Center, and the Natural History Building. As much as I support nature centers, I am a little puzzled about the reference to, what I take to be, two separate units with a similar function. Two would be good but is it dilution? The term "Ecology Nature Center" is seemingly an overlap of words, since the term ecology is rather outdated by "environmental" aspects of present-day usage. East Bay Regional Parks has a "Environmental Center." A Nature Center IS also a place dealing with ecology as well as with biology, zoology, and all aspects of nature. However, I do not object to the use of the term. Was the term "Riverbend Nature Center" considered? On page 3-1, it states the project includes an Ecology Building, and a building accommodating a Natural History unit. I need to study the detailed drafts. Perhaps the concept needs some clarification. I am wondering what the relationship would be with the present Feather River Nature Center, and if future monies will be available to staff an Ecology Nature Center and programs. Maybe FRNC could benefit from the apportioned money and be a satellite historical nature center! H-1

I note on page 3-11 the reference to "1.5 miles packed gravel trails." I would suggest a harder surface if possible. Asphalt and concrete are more permanent–a deluxe nature trail!–and weeds and erosion will not reclaim it as quickly. Take a look at the gravel-based ramp leading up to the back end of the FRNC and see the excellent job Peter Maki did in incorporating a coating of cement on top of the gravel chips to form a firm surface. I am particularly pleased that surfacing Salmon Run Road is on the first phase; that dusty, pitted road is a real deterrent to going through the park. Maybe you could start on that now since there are no plants in the way! Ha. Give elderberry enough time and it will grow right in the middle of the dusty roadway! H-2

The only reference to the fishing ponds is an arrow indicating "To ponds (future.)" Is the fishing pond area considered part of Riverbend Park? A lot of work has been done down there, but trail maintenance has faltered, and the pond weed growth deserves attention. H-3

I see an extension of the Disc Golf Course is planned for phase V–in the natural area. Is this a conflict? Those whizzing hard-edged discs are potentially hazardous flying through the forest. Is there that much anticipated use of an additional 9-hole course? H-4

These are minor things, and I hardily approve the project.

Sincerely,
Rex Burress

August 4, 2003

LETTER H: REX BURGESS

H-1 Response: The naming of the buildings may be modified during detailed design. The commentor is encouraged to consult with FRRPD regarding the detailed plan. This comment does not address the adequacy of the environmental evaluation.

H-2 Response: The surface material for each of the trails throughout Riverbend Park was selected for functionality. The river front trail will be pervious concrete because it is near the Feather River, has a noticeable slope, and could erode easily. The bike trail will be paved in order to support the high amount of bike use that is expected. The railroad levee trail will be crushed rock because it will accommodate pedestrian use, is located on flat topography, and can be easily maintained.

H-3 Response: Comment noted. The fishing ponds are not part of the Project area and therefore are not discussed in the EIR. Bob Sharkey of FRRPD has indicated that periodic (weekly) maintenance occurs at this site, while daily trash and general cleanup occurs on the fish ponds and trails.

H-4 Response: The addition of 9 holes to the existing disc golf course will create an 18-hole disc golf course, which is anticipated to receive higher use than the existing 9-hole course. The additional holes were incorporated into the Project at the first public meeting based on input from the Sunrise Rotary, the local Frisbee organization, and members of the public.

Signage will be placed throughout the Project site to inform visitors of the disc golf course; and additional signage will be placed along the disc golf course to remind players to be cautious of the native vegetation nearby the course. Due to the typical low trajectory of the Frisbees, the Project biologist determined that the Frisbee course would not be a significant hazard to the existing vegetation. Please see section 4.6 (Biological Resources), *Less Than Significant Riparian Woodland – Understory Impact* (2a) on page 4.6-26.

PUBLIC HEARING SUMMARY

Riverbend Park Improvements Project

August 14, 2003

Meeting began at 6:00 pm.

A brief introduction was given of the Riverbend Park Improvements Project supporting staff and consultants for all attending: Scott Lawrence, District Manager and Bob Sharkey, Parks Superintendent and Project Manager with Feather River Recreation and Park District, and members of Consulting staff Phyllis Potter and Josh Teigiser with E.D.A.W., Greg Melton with Land Image, Alan Brown with B.B.A. Engineering and Jody Gallaway with Gallaway Consulting, Inc.

Elements of the Riverbend Improvements Project were briefly overviewed before discussion was opened to the floor.

Property and business owner of the Riverside Bed and Breakfast, Larry Jendro (west of the Project site) voiced his concerns about whether a sound barrier would be installed to reduce the noise coming from traffic on Highway 70 that disturbed his guests. Phyllis Potter responded that his concern was not related to the Project site, and Mr. Jendro bring this to the attention of Cal Trans or other traffic related agency to see if they might have a solution.

Long term Oroville resident and property owner Floyd Byrd (south of Highway 162, west of the Project site) shared his concerns of repeated flooding along this stretch of the river adjacent to the Fishing Ponds. He felt build up of silt and materials west of the Fishing Ponds would restrict the river flow and create additional erosion to his riverside property. He would like to see this area dredged to deepen and widen this area. The staff in general responded, that again, this is an off-site Project concern and Mr. Byrd was directed to raise his concerns to Department of Water Resources and Fish and Game as well as other resource agencies.

Oroville Mercury Register reporter Mary Weston was also present. She was collecting updating information regarding the Riverbend Improvements Project for one of her articles.

In closing, all felt that development was needed for this site and the Riverbend Park Improvements Project was a positive project for this community.

Meeting dismissed at 6:45pm.

PUBLIC MEETINGS

AUGUST 14, 2003 PUBLIC MEETING SUMMARY (OROVILLE, CA)

Response: The August 14, 2003 Riverbend Park EIR public hearing summary provides comments received at the public meeting on the Riverbend Park Draft EIR. The discussion generally focused on elements of the Project. No comments were raised relating to the adequacy of the environmental analysis. Mr. Larry Jendro and Mr. Floyd Byrd raised issues that focused on the fishing ponds to the south of the Project site (south of the Highway 162 Bridge). Both commenters were satisfied with the responses provided at the public meeting, and are in full support of the Project.

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3.0 REVISIONS TO THE DRAFT EIR

This chapter presents specific changes to the Draft EIR that are being made in response to comments made by the public and or reviewing agencies. In each case, the revised page and location on the page is set forth, followed by the revision. Text underlined represents language that has been added to the EIR; text with ~~strikeout~~ has been deleted from the EIR.

Page 4.6-21, the first paragraph (Section 4.6.4) is revised to include thresholds relating to aquatic resources. (Response to comment E-2)

The Project would have a significant impact with respect to biological resources if it would:

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydraulic interruption, or other means. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Impacts to aquatic resources would be considered significant if:

- The habitat of a State or Federal special-status species, including habitat designated as critical habitat, would be reduced or degraded, thereby potentially resulting in a reduction in species abundance.
- Substantial interference with or prevention of the migration of any fish species
- Substantial reductions in aquatic habitat, either from direct impacts or from secondary impacts that result in substantial loss of aquatic habitat, such as geomorphologic changes in the Feather River or decreased water quality in the project study area
- Substantial change in fish abundance due to changes in factors affecting abundance such as predation, impingement, entrainment, injury, or disease. Any change in the abundance of listed fish species or species proposed for listing would be considered significant.

Page 4.9-8, Table 4.9-2 has been replaced so as to include PM10 and PM2.5 State standards. (Response to comment F-2)

The Ambient Air Quality Table, on the following page, replaces Table 4.9-2 in the Draft EIR.

Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards [1]		Federal Standards [2]		
		Concentration [3]	Method [4]	Primary [3,5]	Secondary [3,6]	Method [7]
Ozone (O_3)	1 Hour	0.09 ppm (180 µg/m^3)	Ultraviolet Photometry	0.12 ppm (235 µg/m^3)[8]	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	—		0.08 ppm (157 µg/m^3)[8]		
Respirable Particulate Matter (PM10)	24 Hour	50 µg/m^3	Gravimetric or Beta Attenuation	150 µg/m^3	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m^3		50 µg/m^3		
Fine Particulate Matter (PM2.5)	24 Hour	No Separate State Standard		65 µg/m^3	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m^3	Gravimetric or Beta Attenuation	15 µg/m^3		
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10mg/m^3)	Non-Dispersive Infrared Photometry (NDIR)	9 ppm (10 mg/m^3)	None	Non-Dispersive Infrared Photometry (NDIR)
	1 Hour	20 ppm (23 mg/m^3)		35 ppm (40 mg/m^3)		
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m^3)		—	—	—
Nitrogen Dioxide (NO_2)	Annual Arithmetic Mean	—	Gas Phase Chemiluminescence	0.053 ppm (100 µg/m^3)	Same as Primary Standard	Gas Phase Chemiluminescence
	1 Hour	0.25 ppm (470 µg/m^3)		—		
Sulfur Dioxide (SO_2)	Annual Arithmetic Mean	—	Ultraviolet Fluorescence	0.030 ppm (80 µg/m^3)	—	Spectrophotometry (Pararosaniline Method)
	24 Hour	0.04 ppm (105 µg/m^3)		0.14 ppm (365 µg/m^3)	—	
	3 Hour	—		—	0.5 ppm (1300 µg/m^3)	
	1 Hour	0.25 ppm (655 µg/m^3)		—	—	—
Lead[9]	30 Day Average	1.5 µg/m^3	Atomic Absorption	—	—	—
	Calendar Quarter	—		1.5 µg/m^3	Same as Primary Standard	High Volume Sampler and Atomic Absorption
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0.23 per kilometer — visibility of ten miles or more (0.07 — 30 miles or more for Lake Tahoe) due to particles when relative humidity is less than 70 percent. Method: Beta Attenuation and Transmittance through Filter Tape.		No Federal Standards		
Sulfates	24 Hour	25 µg/m^3	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m^3)	Ultraviolet Fluorescence			
Vinyl Chloride[9]	24 Hour	0.01 ppm (26 µg/m^3)	Gas Chromatography			

See footnotes on next page …

California Air Resources Board (7/9/03)

Footnotes:

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter—PM10, PM2.5, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

2. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m3 is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr.
Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

4. Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.

5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

7. Reference method as described by the EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the EPA.

8. New federal 8-hour ozone and fine particulate matter standards were promulgated by U.S. EPA on July 18, 1997. Contact U.S. EPA for further clarification and current federal policies.

9. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

Page 4.9-9, the last sentence of the second to last paragraph has been revised to identify the Butte County Air Quality Management District as the responsible agency for submitting plans. (Response to comment F-3)

In order to maintain air quality in the County and the region and in response to the Clean Air Act Amendments of 1977, ~~the Butte County Association of Governments (BCAG) has prepared an Air Quality Implementation Plan for attainment of federal ambient air standards. In addition, the effects of development on air quality are included in zoning factors and development criteria used by the County.~~ the Butte County Air Quality Management District is the responsible agency for submitting Air Quality Implementation Plans to demonstrate attainment of the federal and state ambient air quality standards.

Page 4.2-14, the following new mitigation measure has been added to ensure a biologist is present when light structures are installed. (Response to comment G-3)

5. A certified biologist must be present during the installation of lighting structures throughout the Project site to ensure that sensitive birds and amphibians will not be adversely affected by location of lights to remain on during night hours.

Page 3-7 of the Draft EIR. Figure 3-3 has been revised to more clearly show the built Project features. Only graphical information that is shown on other Project figures was removed from Figure 3-3. (See page 3-5)

Response Figures 1 and 2 have been included in this Response to Comments Addendum to address specific comments on the relocation and elevation of the two restrooms in the 100 year floodplain. (See pages 3-6 and 3-7)

Revised Figure 3-3: Project Features (Clarified)

Back of figure 3-3

Response Figure 1: Elevated Restroom Diagram

Back of figure 1

Response Figure 2: Revised Location of Restroom A

Back of Figure 2

4.0 MITIGATION MONITORING PROGRAM

Before approving the Project, the FRRPD must certify that the EIR was prepared in compliance with CEQA and was presented to the FRRPD's decision-making body (Board of Directors), which reviewed and considered the EIR before approving the Project. To support this decision on the Project, the FRRPD must prepare and adopt written findings of fact for each significant environmental impact identified in the EIR. Specifically, the FRRPD must find that, for each significant environmental impact identified, the Project has been changed (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the impacts identified in the EIR. Should the significant impact not be mitigated to a less than significant level, the FRRPD must make a statement of overriding considerations regarding the impact. The EIR found that there were no impacts that were significant and unavoidable, and therefore no statement of overriding considerations is needed.

When it makes findings on significant impacts identified in an EIR, an agency must also adopt a program for reporting or monitoring mitigation measures that were adopted (Public Resources Code 21081.6). This document is the Mitigation Monitoring Program for the Riverbend Park Project. Some of the measures included in this monitoring program are the responsibility of the FRRPD's contractors; however, until mitigation measures have been completed, the FRRPD remains responsible for ensuring that the implementation of the mitigation measures occurs in accordance with the program (CEQA Guidelines 15097). The FRRPD is responsible for reviewing and monitoring all of the required mitigation measures to ensure compliance.

This Mitigation Monitoring Program consists of reporting and monitoring, which includes written compliance review presented to the FRRPD, as well as monitoring of the construction project by FRRPD staff. The mitigation measures included in this monitoring program will be completed at various stages of the Project, including during the building and grading permit approval process, during Project construction, and prior to Project completion. The FRRPD will provide documentation that the Mitigation Monitoring Program has been fully adhered to and completed. When an agency makes finding on significant impacts identified in an EIR, it must also adopt a program for reporting or monitoring mitigation measures that were adopted. This document is the draft Mitigation Monitoring Program for the Riverbend Park Project. This Mitigation Monitoring Program applies to all activities evaluated by the Riverbend Park EIR. However, only the mitigation measures associated with approved components of the Project under review will be required.

For ease of reference, the draft Mitigation Monitoring Program presented in this Final EIR shows any changes that have been made to the mitigation measures, as noted in Chapter 3 of this Final EIR.

Impact	Mitigation Measure	When to be Implemented	Responsible for Implementation	Responsible for Review/Monitoring	Completed?
Aesthetics – 1. Light and Glare	1. Utilize directional or shielded lighting where possible, and only areas required for security would be constantly lit during night hours. Install switches on all nighttime lighting fixtures that are not constantly needed for security purposes. Build all new structures with non-reflective paints, so as to avoid any unnecessary nighttime glare. Design structures in a manner where they do not have the possibility to cause reflection or glare into the traffic on the surrounding Highways (no mirror windows). 2. Light only the 10 necessary security lights during nighttime hours. All other lights would have timers, or manual on-off switches. 3. Use "spot-lighting" only when directed at the base portion (below 5 feet in height) of new buildings. 4. Place new buildings on the Project site in a manner that makes them most visually appealing to drivers on Highway 70, with non-reflective surfaces to avoid shine onto the highway. 5. <u>A certified biologist must be present during the installation of lighting</u>	During Project Construction	FRRPD	FRRPD/Biological Monitor	

Impact	Mitigation Measure	When to be Implemented	Responsible for Implementation	Responsible for Review/Monitoring	Completed?
	structures throughout the Project site to ensure that sensitive birds and amphibians will not be adversely affected by location of lights to remain on during night hours.				
Cultural – 1. Archeological Resources	If previously unknown archeological resources or suspected archeological resources (including human remains) are encountered during construction, all work on the site should be stopped and an archeologist approved by the FRRPD should be called to inspect the finds. The recommendations of this archeologist with regard to on-site preservation, recovery and/or documentation of the resources should be implemented before construction re-commences.	During Project Construction	FRRPD	FRRPD approved archeologist	
Cultural – 2. Paleontological Resources	If paleontological resources are encountered during construction, all work in the immediate vicinity of the find would be halted and the proper authorities would be notified.	During Project Construction	FRRPD	FRRPD approved archeologist	
Cultural – 3. Human Remains	As required by State law, in the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or	During Project Construction	FRRPD	FRRPD approved archeologist	

Impact	Mitigation Measure	When to be Implemented	Responsible for Implementation	Responsible for Review/Monitoring	Completed?
	removing human remains from any location other than a dedicated cemetery.				
Biological – 1. Valley Elderberry Longhorn Beetle	1. Install construction barrier fencing and minimize disturbance to elderberry shrubs. Barrier fencing would be installed 3 feet from the drip line for six elderberry shrubs growing adjacent to the road, approximately 15 feet from the drip line for 2 bushes growing 15 feet from the park road, and 20 feet from the drip line for all other elderberry plants. Construction barrier fencing would be installed around the base of the elderberry shrubs before construction activities begin. Barrier fencing would be installed to avoid disturbance to the root and branch systems of the shrubs. During construction, maintenance would be performed to keep the fence in good repair. Construction vehicles, equipment and materials would not be parked or stored in the fenced area. Signs posted around the fenced shrubs would read as follows: *This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the federal Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines and imprisonment.*	Prior to beginning construction and during construction	FRRPD	FRRPD approved Biologist	

Impact	Mitigation Measure	When to be Implemented	Responsible for Implementation	Responsible for Review/Monitoring	Completed?
	The signs should be readable from a distance of 20 feet and must be maintained for the duration of construction. 2. A construction worker training program shall be instituted to inform the workers of the sensitive vegetation and the measures needed to protect the elderberry bushes. All construction workers must be instructed about the status of the beetle and the need to protect it and its habitat. 3. Construction staging or storing areas would be located at least 20 feet away from any elderberry shrub drip line. 4. No trimming of elderberry branches of any size shall occur during construction. 5. Biological monitors shall examine the elderberry shrubs on a daily basis for the first month of construction and thereafter on a weekly basis if the construction workers are adequately protecting the elderberry bushes.				
Biological – 2. Special-Status Fish Species – construction	1. A biological monitor shall be present to ensure that no special-status fish are trapped behind the metal sheeting. Any trapped special-status	Prior to beginning construction, and during construction	FRRPD	FRRPD approved Biologist	

Impact	Mitigation Measure	When to be Implemented	Responsible for Implementation	Responsible for Review/Monitoring	Completed?
trapping	fish shall be allowed to swim free and the sheeting shall be reinstalled. Any other fish species that are not special-status shall be captured and removed from the enclosed area. 2. Retrofitting of the boat ramp entails pumping the water from the construction area. The steel sheeting, in conjunction with pumping, prevents the water from entering the area. Nevertheless, if sediment is observed escaping from the construction area, then a curtain shall be hung around the steel sheeting to contain the sediment. 3. A construction worker training program shall be instituted to inform the workers of the sensitive fishery resources and the measures needed to protect the fish. 4. A biological monitor shall examine the boat ramp retrofit site on a daily basis to ensure that impacts are not occurring.				
Biological – 3. Special-Status Raptors, Common Raptors, and Special-Status Songbirds	1. A qualified biologist shall conduct a survey for nesting raptors 21 days prior to the start of construction, if construction begins between January and the end of July within 250 feet of riparian woodland areas. A 250-foot buffer should be established	Prior to the start of construction	FRRPD	FRRPD approved Biologist	

Impact	Mitigation Measure	When to be Implemented	Responsible for Implementation	Responsible for Review/Monitoring	Completed?
	around any active raptor nest thought to contain eggs or young. This buffer should be maintained until the young have fledged. The nest site should be monitored and upon fledging of the young, the monitor shall notify the Feather River Recreation and Park District. Construction can then continue within 250 feet of the nest upon fledging of the young. 2. A qualified biologist shall conduct a survey for nesting birds 21 days prior to the start of construction within 250 feet of riparian woodlands. This survey shall be conducted from March through July. If construction begins prior to March and is within 50 feet of riparian woodlands, no survey needs to occur because the birds would either be accustomed to the construction activity or would choose to nest else where. (No birds would be forced from a nest.) A buffer of 150 feet should be established around any nests of willow flycatchers discovered during the survey while buffers of 50 feet shall be established around yellow warbler, loggerhead shrike, and yellow-breasted chat nests. The reason for the different buffers is because the willow flycatcher is a				

Impact	Mitigation Measure	When to be Implemented	Responsible for Implementation	Responsible for Review/Monitoring	Completed?
	state-listed species while the others are species of special concern, a less sensitive category of special-status species. As with the raptor nests, any of these nests found on-site should be monitored until fledging. Construction can resume within the buffered area upon fledging of the young.				
Biological – 4. Wetlands and other Waters of the United States	Wetlands are valuable biological resources that provide important ecosystem functions especially regarding protection of water quality and enhancing biological diversity. Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers regulates discharges of fill into "waters of the United States," including jurisdictional wetlands. The Project would not result in fill into jurisdictional wetlands, however retrofit of the boat ramps would require discharges of fill into the Feather River, which being a navigable waterway is considered "waters of the U.S." A Section 404 permit would be required from the Army Corps of Engineers.	Prior to beginning construction	FRRPD	U.S. Army Corps of Engineers and FRRPD	
Geology and Soils – 1. Liquefaction of Soil	The Project applicant shall have a geotechnical report completed prior to Project approval to ensure that the potential for liquefaction of the soil represents a less than significant impact.	Prior to issuance of construction permit	FRRPD	FRRPD	